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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

HARRIS, ANTON B

ART UNIT PAPER NUMBER

2831

DATE MAILED: 07/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/798,572

Applicant(s)

YIP, GARY SING CHOY

Examiner

Anton B Harris

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12 March 2004.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

1. Claim 5 is objected to because of the following informalities:

At claim 5, line 1 it recites "according to Claim1". It should be "according to Claim 1". Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Rajecki et al. (5,420,376 cited by Applicant).

Regarding claim 1, Rajecki et al. (col. 3, line 7- col. 4, line 67) discloses an electrical fitting comprising:

a relatively flat body 12 of material having an opening 38, 40;  
a number of equally spaced legs 20 projecting from a side of the body 12, which is adapted to face a form wall opposing another form wall onto which an electrical box (col. 3, lines 10-11) is mounted flush; and

a tip (figure 2) disposed on a top of each leg 20 wherein the tip (figure 2) grips the form wall and provides a sturdy and solid base that holds an electrical box (col. 3, lines 10-11) and a conduit in position during the pouring of concrete wherein the length of

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each spaced leg 20 is desired to allow concrete to flow between the body 12 and the form wall.

Regarding claim 2, Rajecki et al. (col. 3, line 7- col. 4, line 67) discloses that the tip (figure 2) has a pyramidal base.

Regarding claim 3, Rajecki et al. (col. 3, line 7- col. 4, line 67) discloses that tip (figure 2) is frustoconical.

Regarding claim 4, Rajecki et al. (col. 3, line 7- col. 4, line 67) discloses that each spaced leg 20 has one of a circular cross-section, a triangular cross-section and a rectangular cross-section.

Regarding claim 5, Rajecki et al. (col. 3, line 7- col. 4, line 67) discloses that the body 12, legs 20 and tips (figure 2) are made of plastic (col. 4, line 42).

Regarding claim 6, Rajecki et al. (col. 3, line 7- col. 4, line 67) discloses that the plastic is PVC (col. 4, line 42).

Regarding claim 7, Rajecki et al. (col. 3, line 7- col. 4, line 67) discloses that the body 12, legs 20 and tips (figure e 2) are made of one-piece construction (col. 4, lines 41-42).

Regarding claim 8, Rajecki et al. (col. 3, line 7- col. 4, line 67) discloses a system comprising:

an electrical box (col. 3, lines 10-11) with a cover plate 14, on its front, that receives an electrical device after a concrete structure is formed;

a conduit (col. 4, line 67) having two ends one of which is attached to a back of the electrical box (col. 3, lines 10-11); and electrical fitting (figure 2) attached to the other end of the conduit (col. 4, line 67), said electrical fitting comprising:

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a relatively flat body 12 of material having an opening 38, 40,

a number of equally spaced legs 20 projecting from a side of the body 12, which is adapted to face a form wall of the concrete structure opposing another form wall of the concrete structure onto which an electrical box (col. 3, lines 10-11) is mounted flush; and

a tip (figure 2) disposed on a top of each leg 20 wherein the tip (figure 2) grips the form wall and provides a sturdy and solid base that holds the electrical box (col. 3, lines 10-11) and the conduit (col. 4, line 67) in position during the pouring of concrete wherein the length of each spaced leg 20 is designed to allow concrete to flow between the body 12 and the form wall, and

wherein the conduit (col. 4, line 67) is of a length so that combined measurements of the electrical box (col. 3, lines 10-11) including the cover plate 14, conduit (col. 4, line 67) and electrical fitting (figure 2) approximately equals the width between the form walls of the concrete structure.

Regarding claim 9, Rajecki et al. (col. 3, line 7- col. 4, line 67) discloses that at least one terminal adapter (figure 3) and locknut combination (figure 3) where the at least one terminal adapter and locknut combination securely attaches at least one of the electrical box (col. 3, lines 10-11) and the electrical fitting to the conduit (col. 4, line 67). See discussion at (col. 3, lines 50-54)

Regarding claim 10, Rajecki et al. (col. 3, line 7- col. 4, line 67) discloses that the conduit (col. 4, line 67) is made of plastic (col. 4, line 42).

Regarding claim 11, Rajecki et al. (col. 3, line 7- col. 4, line 67) discloses that the tip (figure 2) of the electrical fitting has a pyramidal base.

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Regarding claim 12, Rajecki et al. (col. 3, line 7- col. 4, line 67) discloses that tip (figure 2) of the electrical fitting is frustoconical.

Regarding claim 13, Rajecki et al. (col. 3, line 7- col. 4, line 67) discloses that each spaced leg 20 of the electrical fitting has one of a circular cross-section, a triangular cross-section and a rectangular cross-section.

Regarding claim 14, Rajecki et al. (col. 3, line 7- col. 4, line 67) discloses that the body 12, legs 20 and tips (figure 2) of the electrical fitting are made of plastic (col. 4, line 42).

Regarding claim 15, Rajecki et al. (col. 3, line 7- col. 4, line 67) discloses that the plastic is PVC (col. 4, line 42).

Regarding claim 16, Rajecki et al. (col. 3, line 7- col. 4, line 67) discloses that the body 12, legs 20 and tips (figure 2) of the electrical fitting are made of one-piece construction (col. 4, lines 41-42).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Logsdon U.S. Patent No. 4,742,585 discloses an electrical box assembly including spaced apart legs, and knock out openings.

Curtis et al. U.S. Patent No. 4,331,832 discloses an electrical box assembly including a cover, a conduit, a PVC material, and knock out openings.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anton B Harris whose telephone number is (571) 272-1976. The examiner can normally be reached on weekdays from 8:30am to 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Dean Reichard, can be reached on (571) 272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

abh

7/10/04

  
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